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December 12, 2019

**VIA E MAIL**

The Honorable Stewart D. Aaron  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: James Contant v. Bank of America Corporation  
Civil Action No.: 17 Civ. 3139

Dear Judge Aaron:

The undersigned is counsel for non-party Forex Capital Markets, LLC ("FXCM"), a retail foreign exchange dealer which has been served with a subpoena from the Defendants. As Your Honor is aware, the Court has scheduled a conference for December 16, 2019 at 11:00 a.m. to discuss the Letter Motions filed at ECF Nos. 323 and 335 related to the subpoena served on FXCM by HSBC North America Holdings, Inc. ("HSBC").

We note that counsel for Plaintiffs in this matter and FXCM have filed related motions in connection with Plaintiffs' subpoena at ECF Nos. 325 and 342. By this letter, FXCM is hereby requesting that Your Honor entertain the Motions in connection with Plaintiffs' subpoena at the same time as the conference with the Defendants. It is respectfully submitted that it will more cost effective for FXCM's counsel to appear at one telephonic conference to address all Motions related to the two subpoenas served on FXCM. Secondly, and more importantly, the two subpoenas are overlapping and related. The issues for both subpoenas are interwoven inasmuch as FXCM is requesting both sides reimburse FXCM for all or part of its production expenses and attorneys' fees in connection with its compliance with the two subpoenas. The Plaintiffs have offered to pay a portion of FXCM's costs, but not attorneys' fees, and the Defendants have offered to pay neither.

For these reasons, FXCM respectfully requests that the Court consider the Plaintiffs' subpoena at the same time and in the same conference as the Defendants' subpoena during the December 16, 2019 conference. In addition, since we are located in New York, I respectfully request permission to attend the December 16 conference in person.

Respectfully submitted,

s/Barry R Temkin

cc: All counsel via ECF